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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/441,388 | 11/16/1999 | MATTHEW ACKLEY | F0002-004001 | 4261 |

7590 12/31/2002

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EXAMINER

DETWILER, BRIAN J

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2173

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,388

Applicant(s)

ACKLEY ET AL. 

Examiner

Brian J Detwiler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20-26, 36, 37, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 18, 19, 27-35 and 38-46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 October 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The clean version of claim 1 on page 1 fails to correspond with the marked-up version on page 7. The limitation, “elements to provide the impression that they are being operated by the different entities,” on line 10 of the marked-up version is not present in the clean version.

Applicant’s response to the Office Action mailed June 5, 2002 appears to be a *bona fide* attempt to advance the application to final action. Accordingly, to expedite prosecution, the amendment has been entered using the marked-up version.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “impression”, which is used to describe how a user might **feel** upon viewing a sales interface, is purely subjective and therefore renders the claims indefinite. Accordingly, the Examiner has considered all possible scenarios of what a user’s impression might be while examining the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 5-8, 10-14, 16, 20, 23-24, 26, 36, 37, 47, and 48 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by “Internet Auctions for Dummies” (Holden).

Referring to claim 1, Holden discloses in Figure 1-2 on page 14 an interface from eBay’s auction site. It includes a first sales interface at a first network address and a first set of user interface elements. As shown, the first set of interface elements includes an image and a title. Holden further discloses in Figure 2-2 on page 44 a different interface from eBay’s auction site. It includes a second sales interface at a second network address and a second set of user interface elements. The image and title from this set are different from the image and title from the first set. The home page for eBay (www.ebay.com) is at a third network address and inherently teaches a sales server for operating the first and second sales interfaces. Holden still further discloses on pages 122-126 a customization interface responsive to user input to define the first and second sets of user interface elements. Accordingly, since users can customize the sales interfaces to their liking, the sales server may offer the impression that the interfaces are being operated by different entities.

Referring to claim 5, because the customization interface is implemented via the World Wide Web as disclosed in Figure 6-2 on page 122, it is inherent that the interface is constructed using HTML or similar Web programming code. Furthermore, the existence of programming

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code inherently teaches user interface tokens for defining variables and interface elements such as text boxes, tables, and hyperlinks.

Referring to claims 6 and 7, Holden explains on pages 120 and 121 how to select a type of auction (transaction type) at an Internet auction Web site. Holden further explains on pages 124-127 defining attributes for the type of auction selected. The attributes include: minimum bid, reserve price, and payment and shipping terms.

Referring to claim 8, Holden discloses on page 151, step 4 allowing the user to add a personal image to their customized interface. Holden doesn't refer to the image as a "branding element", however the examiner interprets a "branding element" to be a company logo or other image of a similar nature.

Referring to claims 10 and 26, Holden discloses in Figure 6-2 on page 122 an e-mail sender address selection interface to define a sender address for email communications sent as part of a series of user interactions with one of the first and second. The seller can input their e-mail address to serve as the basis for communications with prospective buyers interacting with the sales interface.

Referring to claims 11 and 12, on page 151 Holden provides the steps of launching a web browser, navigating to a remote eBay Web site, and customizing an interface.

Referring to claims 13 and 14, Holden explains on page 128 that eBay has an interface for sellers to select from a base categorization set and assign an item for sale to the selected category, thus defining the first and second sets of categorized interface elements.

Referring to claim 16, Holden discloses on page 93, Figure 4-3 a list of categories and subcategories for organizing items for sale. On page 92, Holden explains that a buyer can select

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one of the base categorization set elements and view items for sale in that category. Inherently, sellers are able to map categorization interface elements from their sales interfaces to categorization interface elements selected from the base categorization set.

Referring to claim 20, Holden discloses in Figure 6-2 on page 122 that eBay's registered users (multiple accountholders) can send customization commands to the system through a network. According to pages 122 and 124, the customization commands include defining a title, a description, and adding an image to a sales interface. Holden further explains on page 128 that the sales interfaces created by the registered users can be presented to buyers based on categorization input. Furthermore, since users can customize the sales interfaces to their liking, eBay may provide the impression that the users themselves are in control.

Referring to claim 23, Holden explains on pages 120 and 121 how to select a type of auction (transaction type) at an Internet auction Web site.

Referring to claim 24, Holden discloses on page 151, step 4 allowing the user to add a personal image to their customized interface. Holden doesn't refer to the image as a "branding element", however the examiner interprets a "branding element" to be a company logo or other image of a similar nature.

Referring to claims 36, 37, 47, and 48, the interfaces disclosed by Holden in Figures 1-2 and 2-2 are both auction and web interfaces.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over
“Internet Auctions for Dummies” (Holden).

Referring to claim 2, Holden fails to disclose using a series of templates to customize the interface mentioned above in reference to claim 1. Holden does, however, disclose on page 152, Figure 7-7 a series of templates that each define display attributes of one or more views for eBay’s ‘About Me’ personal homepage feature. Holden explains on page 150 that the ‘About Me’ feature can be accessed directly from a user’s sales interface. Holden further explains on page 150 that a user’s personal homepage can include information about his or herself in a customized fashion to improve the chances of selling an item. Although not explicitly stated it is implicitly implied that a user’s personal homepage is a part of the overall sales interface presented to a prospective buyer. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a series of templates to customize a sales interface because it would allow a user to effectively present more information about his or herself, thus improving the chances of selling an item.

Referring to claims 3 and 4, Holden demonstrates on page 152-153, in Figures 7-7 and 7-8 that the templates are implemented via the World Wide Web. Holden does not specifically mention that the templates comprise user interface tokens or that they are constructed and adapted to receive scripting commands. However, because the templates are implemented on World Wide Web, it is inherent that they comprise scripting commands conforming to the standards of HTML or another Web programming language. Furthermore, the existence of

scripting commands inherently teaches user interface tokens for defining variables and interface elements such as text boxes, tables, and hyperlinks within the interface's code.

Referring to claim 21, Holden fails to disclose customizations of templates at the sales interfaces mentioned above in reference to claim 20. Holden does, however, disclose on page 152, Figure 7-7 a series of templates that each define display attributes of one or more views for eBay's 'About Me' personal homepage feature. Holden explains on page 150 that the 'About Me' feature can be accessed directly from a user's sales interface. Holden further explains on page 150 that a user's personal homepage can include information about his or herself in a customized fashion to improve the chances of selling an item. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to customize templates in a sales interface because it would allow a user to effectively present more information about his or herself, thus improving the chances of selling an item.

Referring to claim 22, Holden demonstrates on page 152-153, in Figures 7-7 and 7-8 that the customization interface is implemented via the World Wide Web, but does not specifically mention that it comprises user interface tokens.

Claims 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Internet Auctions for Dummies" (Holden) as applied to claims 1 and 20 respectively, and further in view of U.S. Patent No 5,809,242 (Shaw et al).

Holden fails to disclose customization of a plurality of e-mail templates as a part of the customization interface. However, Holden explains on page 181 that, "the most important tool for anyone buying or selling online is electronic mail." Furthermore, the use of templates for

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simplifying e-mail correspondence is not a new feature. Shaw discloses in column 13, lines 55-60 an interactive banner advertisement where advertisers trying to sell a product have included an e-mail template. A user can click on the banner and then be provided with a template for sending a relevant e-mail message directly to the advertiser. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include email templates in the customization interface. Email templates provide a simple and integrated method of communication between a buyer and a seller. This is beneficial because, as Holden explains on page 181, communication is a very important aspect of online transactions.

Claim15 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Internet Auctions for Dummies” (Holden) as applied to claim 14 above, and further in view of US Pub 2001/0032170 (Sheth).

Holden fails to mention that a user can create additional categorization elements. Sheth, however, discloses on page 7, paragraph 111 a customizable user interface as part of an online bidding system. A user wishing to submit a project can choose to categorize the project based on an existing category or define a new one that is more appropriate for the specific project. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the capability for users to define new categories in a sales interface. If a seller wants an item to get noticed among hundreds or even thousands of other items, it would be very important that the item is categorized in the most appropriate area. With the extensive variety of items that can be sold online, however, an appropriate category may not exist for every item up for sale.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Internet Auctions for Dummies” (Holden) as applied to claim 13 above, and further in view of U.S. Patent No. 5,701,137 (Kiernan et al).

Holden does not disclose that the categorization interface elements include collapsible categorization interface element trees. However, using collapsible trees to categorize information is not a new feature. Kiernan discloses in FIG 4 a collapsible tree interface for categorizing computer resources. Additionally, Kiernan explains in column 1, lines 24-31 that large lists of files, directories, and other computer resources can be effectively displayed in a tree structure. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use collapsible interface element trees in a sales interface because it would be beneficial to organize and display the large lists of categories and items for sale in an efficient manner.

Allowable Subject Matter

Claims 18, 19, 27-35, and 38-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:
The following is a statement of reasons for the indication of allowable subject matter: In combination with the claimed subject matter, the prior art does not teach or fairly suggest providing individual specification elements for each category, attributes to indicate that a

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category is unused, different headers, or mapping the sales interfaces to different domains. The closest prior art, "Internet Auctions for Dummies" (Holden), teaches basic categorization of items as illustrated in Figure 4-3 on page 93, consistent interface headers, and retaining the same domain (ebay.com) for all interfaces.

Response to Arguments

Applicant's arguments filed October 15, 2002 have been fully considered but they are not persuasive. The language used to overcome the prior art rejection fails to definitively point out that which the Applicant regards as novel (see 112 rejection above). Suggesting that all users will have the same "impression" upon viewing a particular user interface is purely speculative. Applicant is advised to include clear evidence that the sales interfaces are different enough to distinguish over those cited in the prior art of record. Additionally, the Examiner wishes to specifically point out U.S. Patent No. 6,119,152 (Carlin et al), which is of particular relevance to Applicant's invention. Carlin discloses a network sales system that allows multiple service providers to sell items through a common host. Furthermore, each service provider can design a sales interface through a customization interface.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

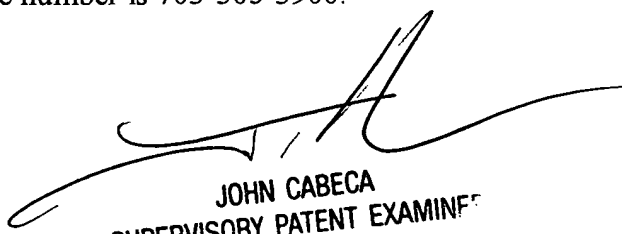
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bjd
December 27, 2002



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 210